THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 23.04.2007

- **WP(C) No.5509/2005**
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INDIAN BEACH KABADDI ASSOCIATION ...Petitioner

- versus -

UNION OF INDIA & OTHERS ...Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Vishwander Verma
For the Respondent No.1 : Mr R.V. Sinha
For the Respondent No.2. : Mr S.K. Dubey
For the Respondent No.3. : Ms Geetanjali Mohan

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment ?

2. To be referred to the Reporter or not ?

3. Whether the judgment should be reported in Digest ?

BADAR DURREZ AHMED, J

1. The petitioner is aggrieved by the order dated 08.02.2005 issued by the respondent No.1 (Ministry of Youth Affairs and Sports, Government of India). The petitioner claims to be a society registered under the Societies Registration Act, 1860 under the name "Indian Beach Kabaddi Association". Its registered office is located at E-322, Gali No.5, West Vinod Nagar, Delhi-110092. The registration certificate was granted to the petitioner society on

07.05.2003 as per Annexure-P-2 to the petition. The petitioner had applied for recognition on 20.05.2003. The same has been denied by the impugned order dated 08.02.2005 passed by the respondent No.1 The reasons for denying recognition are indicated in the impugned order itself. The same reads as under:-

> "**Subject:-Recognition to Indian Beach Kabaddi Association-Reg.**
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> Sir,
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> I am directed to refer to your correspondence with this Ministry regarding on the above subject and to say that the proposal has been considered in this Ministry. After due consideration, it has been decided to not give recognition to your Federation as Beach Kabaddi is not popular in India or at International Level and also not having any International federation of this game. Besides, as per guidelines for recognition of NSF clause 3.12 which stipulate "that there would be only one recognized Federation for each discipline of sport, irrespective of the fact that the particular sports caters to youngsters, men, women or veterans. In the present case, Amateur Kabaddi Federation of India is the recognized National Sports Federation by this Ministry. Moreover, AKFI recognized National Sports Federation by this Ministry. Moreover, AKFI has decided to include Beach and Circle Kabaddi in their regular championships and events abroad."

2. The counsel for the petitioner as well as the counsel for the respondents were heard. The respondent No.1 has issued guidelines for recognition of National Sports Federations. A copy of the same has been placed as Annexure-P-3. Para 3.3 of the said guidelines reads as under:-

> "3.3 The Federation must have actively existed for more than three years on the date of application for recognition. Its

various business meetings, as required under its Constitution, should have been duly held."

It is also necessary to note para 3.12 and para 5 of the said guidelines which read as under:-

"3.12. There would be only one recognised Federation for each discipline of sport, irrespective of the fact that the particular sport caters to youngesters, men, women or veterans. However, this condition shall not apply to Federations already recognised by the Department."

xxxx xxxx xxxx xxxx xxxx

5. Granting of Recognition:

5.1 Recognition of a federation shall not be a matter of right and shall be purely at the discretion of the Govt. of India who may grant recognition subject to such terms and conditions as it deems fit."

3. Reading para 3.3 of the guidelines, it is apparent that the federation seeking recognition must have actively existed for more than three years on the date of application for recognition. The petitioner society was registered on 07.05.2003 and made the application shortly thereafter on 20.05.2003. It was clearly not in existence for more than three years on the date of application for recognition.

4. According to para 3.12 of the said guidelines, only one recognised federation was required for each discipline of sport. The Amateur Kabaddi Federation of India has already been recognised by the respondent No.1. According to the Amateur Kabaddi Federation of India, Beach Kabaddi is

included in their regular championships and events abroad and, therefore, another federation could not be recognised. It is also to be noted that para 5 of the guidelines indicates that recognition of a federation shall not be as a matter of right and would be purely in the discretion of the Government. Of course, the discretion has to be exercised in a fair and reasonable manner. I have examined the impugned order dated 08.02.2005 and find that there is no cause for any interference with the impugned order on this count. There is no material to indicate that the discretion has been exercised unreasonably or arbitrarily or unfairly.

5. Apart from this, as already noted above, the petitioner was ineligible to apply in view of para 3.3 of the said guidelines.

This writ petition is dismissed.

BADAR DURREZ AHMED
(JUDGE)

April 23, 2007
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